

REMARKS

Claims 1-3 and 5-18 were pending in this application, of which claims 5-9 and 11-16 are withdrawn from consideration. The claims remaining under examination accordingly are 1-3, 10 and 17-18, all of which stand rejected.

The drawings stand objected to predicated upon figures purportedly replete with informalities. Most of the drawing figures in this application have been corrected to address the identified issues. For example, Figures 2, 3, 4 and 7-9 are made to be consistent with the descriptions thereof on pages 3-6, by amending the descriptions to note the cutaway portions to expose the underlying shell.

The Examiner comments that all cross-sectional lines need to be denoted by Roman or Arabic numerals. It is unclear to the undersigned as to the basis of objection to the drawing figures on ground of lack of Roman or Arabic numerals, as the drawings, e.g., Fig. 1, denote cross-sections by references that include Roman or Arabic numerals.

The Figures have been revised to add lead lines, arrow heads, delete undescribed or unnecessary reference numerals, remove numeral underscores and correct other inconsistencies in the figures, noted by the Examiner. Lead lines are corrected to be dashed or solid, as appropriate.

The Examiner opines that "Fig. 4, 62A, 62C, 66A, 66C, 67A, 67C, and 67B, and 67C are not properly shown." It is unclear what the Examiner complains of, as the elements designated by those reference numerals are succinctly illustrated. It is believed that all those issues pointed out by the Examiner in paragraphs 3 and 4 of the office action, to applicant's understanding, have been aptly addressed by revision to Figs. 1, 1A, 1B, 1D, 1H, 2, 2A, 2C,

3, 3A, 3F, 4, 5, 5A, 5B, 6, 6B, 7, 7A, 7B, 8 and 9, a separate letter requesting approval being submitted herewith.

In paragraph 5, the Examiner criticizes use of the trademark Jockey on page 12, line 11. This has been amended.

Paragraph 6 of the office action questions where line 3B-3B is set forth, referring to page 4, line 16. Line 3B-3B is depicted in Fig. 3, beneath the reference numeral 22. The numerals 143 are removed from Figs. 2, 3, 4 and 1H.

The insert to page 2 has been supplemented by the title "Summary." Although the Examiner refers to purported grammar mistakes in the insert to page 2, as well as to the insert to page 3 at line 4, grammar appears to be appropriate.

The numeral 42 has been amended for consistency among the drawings and description. In response, reference numerals 42A and 42B are removed, as are 61A, 61B and 71A.

The disclosure has been revised, where necessary, for consistency with the drawings. An example is at the insert to page 8, where what is depicted in Figs. 1D-F is clarified; another example is in the insert to page 9, where what is depicted in Fig. 2 is corrected for consistency with the description. Fig. 2A is redrawn, to comport with section 2A-2A in Fig. 2.

The Examiner notes that reference 84 in Fig. 3F does not denotes stitching. But 84 correctly denotes a fastener, as depicted.

All concerns noted by the Examiner have been addressed by amendment and remarks herein. Should any disclosure issues remain, the Examiner is encouraged to contact the undersigned to expedite prosecution.

Claims 2-3, 10 and 17-18 stand rejected on basis of formalities. Claims 2, 3, 10 and 17-18 have been amended to replace the article “a” by “the.” Additional amendments, made to claim 10, conform to the Examiner’s suggestions.

Claims 1-3, 10 and 17-18 stand rejected under 35 USC 112, second paragraph, predicated upon purportedly indefinite wording in claim 1, namely, the terms “outer,” “inner,” “inward,” and “outwardly,” in lines 2, 6, 7 and 8, respectively. To clarify the meanings of those terms, within the context of the article claimed, the last paragraph of claim 1 has been rewritten to read:

an inner layer of fluid-resistant material with all four sides thereof attached to the anchor layer, the attached four sides thereof being displaced laterally inwardly from corresponding sides of the anchor layer, and the inner layer at all four sides thereof extending from the anchor layer, on the user side of the undergarment when the undergarment is worn, to form a pocket.

The structure described in that paragraph is depicted by way of example in the drawings at Fig. 1. Referring to that figure, there is an anchor layer 16 secured, and having a shape conforming, to that of outer layer 12, with all sides of the inner layer being displaced laterally inwardly from corresponding sides of the anchor layer, and with all sides of the inner layer extending from the anchor layer, on the user side when the garment is worn, to form a pocket 50. The wording of claim 1 is considered sufficiently definite.

Claims 1-3, 17 and 18 stand rejected under 35 USC 102(b) as being anticipated by Brownlee et al. Claim 10 is rejected under 35 USC 102(b) or 103(a) as obvious over the same reference. Brownlee et al. (noting Figs. 7-8, 10) discloses and depicts an undergarment in which a channel or pocket 108 has two upstanding unitary walls 117, 118 at

opposite sides, and with opposite ends folded over to form panels 132, stitched to the underlying material 109 along a semicircular line 133. This end-construction is said to prevent waste from getting in to the corners of the pocket.

However, the structure required by claim 1 is considerably different. All four sides of the inner layer of fluid resistant material per claim 1 extend from the anchor layer on the user side when the undergarment is worn, to form a pocket. In other words, all the corners of the pocket are exposed per the structure required by claim 1 (and Fig. 1), whereas in Brownlee et al. two of the four sides (the ends) are stitched to, and consequently in parallel with, the underlying (anchor) layer. What is claimed and what is shown in Brownlee et al. are structurally different and non-equivalent, and hence claim 1 is deemed patentable.

Claim 10 is not a product-by-process claim. It describes a structure best visualized by understanding the manner in which it is constructed, that is, by forming a pocket as a result of removing triangular corner portions and joining together adjacent sides or edges, as depicted in Fig. 1D et seq.

Claims 2, 3, 17 and 18 describe important structural details. Claim 19, added, notes that the exposed edge of the pocket is circumscribed by an elastic strip, as depicted by strip 40 in Fig. 1. Brownlee et al., strip 130 covers only two opposite the sides of the pocket, but does not circumscribe the pocket edge.

In view of the foregoing, and in summary, claims 1-3, 10 and 17-19 are considered to be in condition for allowance. Such favorable action is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

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paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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